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January 11, 2023

**VIA CM/ECF AND FEDERAL EXPRESS**

Chambers of the Hon. Henry E. Hudson  
c/o Fernando Galindo, Clerk of Court  
United States District Court  
for the Eastern District of Virginia  
701 East Broad Street  
Richmond, VA 23219

Re: *MSP Recovery Claims, et al. v. Lundbeck LLC, et al.*, No. 3:22-cv-422  
Notice of Supplemental Authority

Dear Judge Hudson,

Defendant Lundbeck LLC hereby submits the following decision, which the U.S. Court of Appeals for the Third Circuit issued on December 15, 2022, after the completion of briefing on Lundbeck LLC's Motion to Dismiss (ECF No. 32): *Humana, Inc. v. Indivior, Inc.*, Nos. 21-2573 & 21-2574, 2022 WL 17718342 (3d Cir. Dec. 15, 2022).

*Humana* addresses Lundbeck LLC's argument that the "indirect purchaser rule" applies to RICO claims and precludes relief here. Lundbeck made this argument on pages 17-18 of its Memorandum in Support of its Motion to Dismiss (ECF No. 39), and pages 10-12 of its Reply (ECF No. 58). Plaintiffs addressed this argument (including by citing Third Circuit law) on pages 11-16 of their Opposition to Lundbeck's Motion to Dismiss (ECF No. 52).

A copy of the decision is attached hereto as Exhibit A for the Court's convenience.

Sincerely,

By: /s/ Kolya Glick  
Kolya D. Glick  
Counsel for Lundbeck LLC